

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

----- x  
In Re: PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE ) MDL No. 1456  
LITIGATION )  
 ) Master File No. 01-CV-12257-PBS  
 )  
 ) Judge Patti B. Saris  
----- x  
This Document Relates to: ) Chief Mag. Judge Marianne B. Bowler  
01-CV-12257-PBS )  
 )  
 )  
----- x

**DECLARATION OF KIMBERLEY HARRIS**

Kimberley Harris, declares and says:

1. I am an associate at Davis Polk & Wardwell, which serves as counsel to AstraZeneca Pharmaceuticals LP in connection with the above captioned litigation. I submit this declaration, which is based on my personal knowledge, in support of AstraZeneca's Opposition to Plaintiffs' Motion to Compel Against AstraZeneca.
2. At some point after receiving the Amended Notice of Rule 30(b)(6) Deposition, I spoke with Ken Wexler, counsel for Plaintiffs, to schedule specific dates for AstraZeneca's Rule 30(b)(6) deposition. I informed Mr. Wexler that AstraZeneca would be offering two witnesses.

3. Mr. Wexler informed me that he was available on May 13 and 14, 2004. Accordingly, we scheduled the depositions of AstraZeneca's two witnesses on those dates.

4. Mr. Wexler subsequently contacted me to ask that the depositions be rescheduled. I offered to reschedule the depositions for one week later, on May 20 and 21, 2004. Mr. Wexler confirmed that those dates were acceptable.

5. A week or so later, Mr. Wexler's colleague, Elizabeth Fegan, informed me that Plaintiffs would only be available to proceed with the first witness on May 20, 2004 and would need to reschedule the second witness for another date. The deposition for the second witness was rescheduled for June 29, 2004.

6. During the same time period, I had extensive discussions with Ms. Fegan, by letter and by telephone, regarding the scope of Plaintiffs' Omnibus Requests for Production. Part of those discussions was focused on the scope of the documents AstraZeneca would agree to produce from the entire thirteen year timeframe requested by Plaintiffs.

7. I informed Ms. Fegan on several occasions that it would be unduly burdensome for AstraZeneca to respond to each one of the 82 requests for the entire thirteen year time period, since that would involve extensive searches through thousands of boxes held in AstraZeneca's general archives. Instead, I proposed that AstraZeneca produce documents from the entire time frame only for certain specific requests, such as the requests relating to certain PBMs.

8. Ms. Fegan refused to agree to any such limitations and demanded that AstraZeneca produce documents from the entire thirteen year time period for all of the Omnibus Requests. Ms. Fegan also demanded that we produce AstraZeneca's general archive index, so that she could select the boxes that Plaintiffs wanted to review.

9. I explained to Ms. Fegan that the burden of a general search through AstraZeneca's archives would far outweigh any benefit, since the targeted searches AstraZeneca had agreed to conduct were likely to capture most relevant documents.

10. I also explained to Ms. Fegan that the index was a general index maintained by AstraZeneca of all boxes sent to storage by any department or employee at AstraZeneca. I further explained to Ms. Fegan that she was not entitled to have access to this general index, which included many boxes that would not be relevant in any way to Plaintiffs' complaint. Ms. Fegan refused my offer to use search terms.

11. In an effort to resolve this dispute, I agreed, on behalf of AstraZeneca, to conduct a more general search of the AstraZeneca archives and to provide Plaintiffs with access to boxes that may contain responsive information, but were not otherwise captured in AstraZeneca's targeted search. I also agreed to provide Plaintiffs with an excerpt from the general index that described the boxes available for inspection.

12. The boxes were made available for Plaintiffs' inspection beginning July 13, 2004 and an index was provided in advance. Following their inspection of the boxes, Plaintiffs requested copies of approximately thirty boxes.

13. No other index was discussed and there is no index of AstraZeneca's productions in response to the Omnibus Requests.

14. By e-mail dated July 27, 2004, Mr. Wexler requested a telephone conference with Mr. Wise to discuss Plaintiffs' request for additional Rule 30(b)(6) witnesses for AstraZeneca pursuant to the Amended Notice. I was copied on that e-mail.

15. A teleconference was arranged for the next day. I was present for the call.

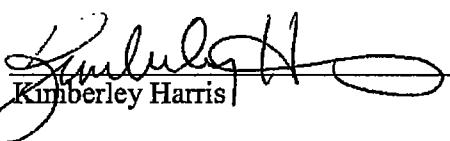
16. During the teleconference, a disagreement arose as to whether AstraZeneca had complied with its obligations under Rule 30(b)(6) by providing Mr. Freeberry and Mr. Alverson as designees.

17. Although Mr. Wise did not agree that AstraZeneca was required to provide any additional witnesses, he offered to contact Alan Milbauer, a retired AstraZeneca employee, to determine whether he could provide Plaintiffs with additional information from an earlier time frame. Plaintiffs had separately noticed Mr. Milbauer for deposition as a fact witness.

18. Mr. Wise ended the call by indicating that he would get back to Plaintiffs once he had spoken to Mr. Milbauer. He also agreed to provide dates for the additional fact witnesses noticed by Plaintiffs.

19. I declare under penalty of perjury that the foregoing is true and correct.

By:



Kimberley Harris

Dated: August 23, 2004

## **EXHIBIT B**

John Richard Freeberry

Highly Confidential  
Wilmington, DE

May 20, 2004

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1                   H I G H L Y   C O N F I D E N T I A L  
2                   UNITED STATES DISTRICT COURT  
3                   FOR THE DISTRICT OF MASSACHUSETTS  
4                   -----X  
5    IN RE PHARMACEUTICAL INDUSTRY     ) MDL No. 1456  
6    AVERAGE WHOLESALE PRICE         ) CIVIL ACTION:  
7    LITIGATION                         ) 01-CV-12257-PBS  
8                   ) Judge Patti B. Saris  
9                   -----X                   CERTIFIED  
10                  THIS DOCUMENT RELATES TO         ) COPY  
11                  01-CV-12257-PBS and 01-CV-339     )  
12                  -----X  
13                  THURSDAY, MAY 20, 2004  
14  
15                  Deposition of JOHN RICHARD FREEBERRY, held  
16                  at the Law Offices of McCarter & English, 919 North  
17                  Market Street, Suite 1800, Wilmington, DE, before  
18                  Cindy Sebo of Spherion Deposition Services, Notary  
19                  Public in and for the State of Maryland.  
20  
21  
22

Henderson Legal / Spherion  
(202) 220-4158

John Richard Freeberry

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Wilmington, DE

May 20, 2004

6

1

2 P R O C E E D I N G S

3 Whereupon,

4 JOHN RICHARD FREEBERRY

5 was called as a witness and, having been first

6 duly sworn, was examined and testified

7 as follows:

8 EXAMINATION BY COUNSEL FOR PLAINTIFFS

9 BY MS. FEGAN:

10 Q Good morning, Mr. Freeberry. Could you  
11 please state your name for the record?

12 A John Freeberry.

13 Q Where do you live, Mr. Freeberry?

14 A I live in Westchester, Pennsylvania.

15 Q Where are you currently employed?

16 A AstraZeneca Pharmaceutical.

17 Q What is your title there?

18 A Pricing Strategy Director.

19 Q How long have you held the position of  
20 Pricing Strategy Director?

21 A This position, by that name, probably a  
22 couple of years, but it's been essentially the

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May 20, 2004

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1 same position with different names throughout  
2 three mergers with our corporation. So it's been,  
3 more or less, eight or nine years.

4 Q It would be approximately 1995?

5 A '95, um-hum.

6 Q Can you tell me beginning in -- or  
7 around '95, what titles that position has been run  
8 under?

9 A I'm having trouble remembering the  
10 titles. The last one before this was Pricing  
11 Strategy Manager. I'm going back in times now,  
12 and that's a couple of years ago. I think maybe  
13 it was a Pricing Strategy Partner at one time.  
14 I'm not even 100 percent sure to be honest with  
15 you.

16 Q Has the title always encompassed the  
17 words "Pricing Strategy"?

18 A Yes.

19 Q During the course of those eight to  
20 nine years, have your responsibilities changed?

21 A Essentially, they're -- they're  
22 similar.

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May 20, 2004

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1 Q Let's start when you first held this  
2 position of Pricing Strategy Director, so to  
3 speak --

4 A Yes.

5 Q -- what were your responsibilities when  
6 you first started?

7 A My primary responsibilities are to  
8 recommend strategy, pricing strategies for new --  
9 for new brands. That's where we spent most of our  
10 time and energy; also, recommend pricing increases  
11 for our brands, I guess. And we -- we monitor the  
12 pricing environment from a competitive  
13 perspective, see what our competitors are doing in  
14 terms of price changes, what they charge for their  
15 products.

16 That captures most of our  
17 responsibilities.

18 Q When you say "most," what other  
19 responsibilities do you have that don't --  
20 wouldn't fall under those three areas?

21 A Well, for example, we're looking now at  
22 the impact of Medicare legislation, trying to

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1 A Just the Pricing Strategy Department.

2 Q How many people are in the Pricing  
3 Strategy Department?

4 A There's five of us in total.

5 Q Has it always been five persons?

6 A Going back, it was probably two or  
7 three. We've grown to five in total. Probably  
8 the lowest it was was probably three. So we have  
9 gone from three to five in the eight years or so  
10 that I've been responsible for this.

11 Q Who are the five people that are  
12 currently in the Pricing Strategy Department?

13 A We have three Pricing Strategy  
14 Managers: Allen Shi, Barnabas Desta --

15 Q How do you spell that?

16 A D-e-s-t-a.

17 -- and Erik Schultz, S-c-h-u-l-t-z.

18 Q And the other two?

19 A Is Janet Rosenberg is an administrative  
20 coordinator.

21 Q And the fifth person is yourself?

22 A Myself, right.

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1 Q Is there anyone that reports to the  
2 three persons as Strategy Managers?

3 A No.

4 Q Who do you report to?

5 A I report to a position called the  
6 Senior Director of Managed Markets and Pricing.  
7 That's currently a vacant position.

8 Q Who was it before it was vacant?

9 A Jim Blessington.

10 Q Where is Mr. Blessington now?

11 A He moved on to another position in  
12 Finance within AstraZeneca.

13 Q What position does he hold now?

14 A He's the Finance lead for the -- our  
15 CNS brands.

16 Q What does "CNS brands" mean?

17 A Central nervous system.

18 Q Going back to the three Pricing  
19 Strategy Managers, how long has Mr. Shi been in  
20 that position?

21 A He's been in that position for about  
22 two years.

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1 Q And Mr. Desta?

2 A Desta, I would say three years.

3 Q And Mr. Schultz?

4 A Three or four, I'm not sure which. In  
5 that range, three to four years.

6 Q Prior to Mr. Shi, Mr. Desta and  
7 Mr. Schultz, who held the positions of Pricing  
8 Strategy Managers during the time that you had  
9 been the Pricing Strategy Director?

10 A Christian Keller.

11 Q Is that a man or a woman?

12 A It's a man.

13 Q When did he hold that position?

14 A Approximately --

15 MR. WISE: Off the record.

16 (Discussion off the record.)

17 MR. WISE: You have appearances.

18 While we were off the record, we just  
19 dialed in to a conference call facility;  
20 apparently, nobody is on the phone. But we should  
21 just note for the record that we might have some  
22 more telephonic appearances at some point if

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1 people call into that number.

2 Sorry for the delay.

3 THE WITNESS: Approximately 2000-2001.

4 I could be off by a year.

5 BY MS. FEGAN:

6 Q Where did Mr. Keller go after he left  
7 the Pricing Strategy Department?

8 A He went to the Marketing Department.

9 Q Does he hold a specific position there?

10 A He's a product strategist.

11 Q For a particular product?

12 A For Nexium.

13 Q The purple pill?

14 A Yes.

15 Q Other than Mr. Keller and the three  
16 Pricing Strategy Managers that we referred to  
17 before, who else has held that position since you  
18 have been Pricing Strategy Director?

19 A Mark Boyer, B-o-y-e-r.

20 Q When did he hold that position?

21 A '95-'97, in that range.

22 Q Where is Mr. Boyer now?

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1 A He's with the company. He's in the --  
2 he's in the Advertising Department.

3 Q What was -- I'm sorry.

4 A He's a Director of -- I don't know. I  
5 don't recall his title.

6 Q Does he work with a particular product  
7 group?

8 A He works with the Respiratory Group.

9 Q Other than Mr. Keller, Mr. Boyer and  
10 the three Pricing Strategy Managers who currently  
11 hold those positions, who else has held that  
12 position since you have been Pricing Strategy  
13 Director?

14 A Alisa Rogers.

15 Q When did she hold that position?

16 A Sometime in the 2000-2001 period, I  
17 think. I could be off by a year. I just don't  
18 remember specifically.

19 Q Where is she now?

20 A She's a -- a Managed Markets Brand  
21 Manager.

22 Q For what brand?

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1 A For Crestor.  
2 Q Who else has held that position?  
3 A A gentleman named Mark Vines.  
4 Q How do you spell the last name?  
5 A V-i-n-e-s.  
6 Q When did he hold that position?  
7 A I would say '99 to 2000, 2001.  
8 Q Where is he now?  
9 A He's with GlaxoSmithKline.  
10 Q When he left the position of Pricing  
11 Strategy Manager, did he go directly to  
12 GlaxoSmithKline?  
13 A Yes.  
14 Q Who else has held the position of  
15 Pricing Strategy Manager?  
16 A The only other -- Allen Shi was there  
17 before. He went to another couple of positions.  
18 He came back a couple of years ago.  
19 Q Tell me about that. When did he first  
20 hold the position?  
21 A That was probably '96, '97.  
22 Q Where did he move from the Pricing

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1       Strategy Manager position?

2           A       He moved to -- I can't recall the name  
3       of the department -- Customer Strategy. That was  
4       a department we had at the time called Customer  
5       Strategy.

6           Q       And what did he do there?

7           A       He was a Customer Strategy Manager, as  
8       I recall.

9           Q       What --

10          A       What did they do?

11          Q       Yes.

12          A       They looked at strategies that -- at  
13       the customer level in some way. I remember he  
14       worked on -- a project that I recall him working  
15       on was long-term care, but I'm not familiar beyond  
16       that.

17          Q       Does the term "customer" -- or did the  
18       term "customer," with respect to that department,  
19       encompass different types of end recipients?

20          A       I didn't work in that department. I  
21       believe it did. I don't know the specifics of it  
22       though. I just remember the project that he

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1 AstraZeneca as the 30(b) (6) on behalf of the  
2 company, with expertise in the areas that he has  
3 testified in which he has such expertise so far  
4 this morning. And he's not being designated with  
5 respect to any other area.

6 So I think he's also indicated in many,  
7 if not all, of those other areas who he thinks  
8 would be an appropriate designee of the company.  
9 And we can pursue whether Plaintiffs want to have  
10 depositions of all of those people or some of them  
11 in the future.

12 With that understanding and the  
13 understanding that we're here to answer any  
14 questions for however -- you know, for the rest of  
15 the day on any topic, to the extent Plaintiffs  
16 want to ask him, we will proceed.

17 BY MS. FEGAN:

18 Q I think where we left off, just to be  
19 clear, I wanted to make sure that I understood  
20 which topics you felt like you were the most  
21 knowledgeable to testify on.

22 And so we're all on the same page as to

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1 what you're being designated -- I understand that  
2 you're being designated as the 30(b) (6) for  
3 AstraZeneca to testify regarding Topics 1, 2  
4 and 3, except as to average sales price, actual  
5 sales price or contract prices.

6 Do you understand that, Mr. Freeberry?

7 A Yes.

8 Q I also understand that you're being  
9 designated to testify regarding Topics 5 and 6,  
10 other than as to average sales price, actual sales  
11 price or contract price.

12 Do you understand that, Mr. Freeberry?

13 A Yes.

14 Q And I believe that that's all; is that  
15 correct? I apologize, I'm making you go through  
16 these again. I want us all to be on the same  
17 page.

18 (The witness reviews the document.)

19 THE WITNESS: Yes.

20 MR. WISE: Okay.

21 MS. HARRIS: Also, let me just note,  
22 Topic 14 with respect to price.

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May 20, 2004

1 MS. FEGAN: You're right. I apologize.

2 BY MS. FEGAN:

3 Q Topic 14, with respect to price, but  
4 not rebates and incentives?

5 A Let me just read it over to be sure.

6 Q Sure.

7 (The witness reviews the document.)

8 THE WITNESS: Yes.

9 MR. WISE: One other, maybe, perhaps  
10 additional, 17, I think he testified that there  
11 would be no such person.

12 MS. FEGAN: Well, he testified that he  
13 didn't do any research to determine whether there  
14 would be any such person or whether, in fact,  
15 there had been communications. We can...  
16 certainly --

17 MR. WISE: We can have an argument  
18 about that later.

19 MS. FEGAN: -- deal with that later,  
20 particularly since we know there were.

21 MS. HARRIS: I'll say that he is  
22 designated with respect to 17(a) and (b),

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May 20, 2004

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1 discussions with pharmaceutical manufacturers on  
2 those two topics.

3 BY MS. FEGAN:

4 Q Are you aware of any communications  
5 between AstraZeneca and any pharmaceutical  
6 manufacturer regarding Topics (a) or (b) in  
7 Number 17?

8 A No.

9 Q Did you do any research or  
10 investigation to determine whether there had been  
11 any communications between AstraZeneca and any  
12 other pharmaceutical manufacturer regarding  
13 Topics (a) and (b)?

14 A No.

15 Q What did you do to prepare for this  
16 deposition?

17 A I met with counsel here yesterday  
18 afternoon for three hours or so.

19 Q When you say "counsel here," who are  
20 you referring to?

21 A Everybody from Stuart on down  
22 (indicating).

John Richard Freeberry

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1 A My affidavit.

2 Q And the affidavit that you're referring  
3 to is the one that was submitted in this  
4 litigation?

5 A Yes, ma'am.

6 Q Any other documents that you reviewed?

7 A No.

8 Q Other than counsel, did you speak with  
9 anyone else in preparation for today's deposition?

10 A No.

11 Q Do you know how the decision was made  
12 to designate you as the witness designated to  
13 testify on the topics that we've just discussed?

14 A Not in any detail.

15 Q Generally?

16 A Generally, yeah, I'm the one most  
17 knowledgeable about pricing in terms of how we  
18 establish our catalog price.

19 Q And I believe you said catalog price is  
20 WAC?

21 A WAC, yes.

22 Q Have you been involved at all in the

## **EXHIBIT C**

**DAVIS POLK & WARDWELL**

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WASHINGTON, D.C. 20005

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MINATO-KU, TOKYO 106-6033

3A CHATER ROAD  
HONG KONG

May 28, 2004

**Re: In re Pharmaceutical Industry Average Wholesale Price Litigation**

Elizabeth Fegan, Esq.  
The Wexler Firm  
One North LaSalle Street  
Suite 2000  
Chicago, IL 60602

Dear Beth:

I am writing to inform you that Jeffrey Alverson, Senior Director of Contract Strategy, will be AstraZeneca's Rule 30(b)(6) designee for all areas of inquiry on the Amended Notice of Rule 30(b)(6) Deposition for which Mr. Freeberry was not AstraZeneca's designee. Mr. Alverson is available for deposition on June 29, 2004, beginning at 9:30 a.m. in Wilmington, Delaware. Please confirm as soon as possible that you are available on this date. We will confirm a location for the deposition shortly.

Sincerely,

  
Kimberley Harris

By Facsimile

THE | WEXLER | FIRM LLP

June 2, 2004

VIA FACSIMILE

Ms. Kimberley Harris  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

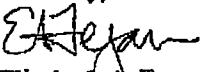
RE: In re: Pharmaceutical Industry Average Wholesale Price Litigation, MDL  
No. 1456

Dear Kim:

As we have discussed, the initial 30(b)(6) deposition of AstraZeneca covered just a handful of the topics on the Amended Notice of Rule 30(b)(6) Deposition served on April 2, 2004. CMO No. 10 requires that 30(b)(6) witnesses be produced within 45 days of the notice. That time requirement has now come and gone. As I told you at Mr. Freeberry's deposition and in my follow-up letter, we would make ourselves available to get this deposition completed with AZ's additional designees as soon as you made a witness available.

The June 29, 2004 date you propose for the continuation of the 30(b)(6) deposition is much too far in the future, contemplating 87 days since the Amended 30(b)(6) Notice of Deposition was served and 39 days since Mr. Freeberry's deposition. This deposition must be completed in the next 14 days. We will make ourselves available on any day during that period, except June 8. Please let us know by Friday when you will make Mr. Alverson (or another designee in lieu of Mr. Alverson) available.

Sincerely,

  
Elizabeth A. Fegan

EAF:lyr

cc. All Plaintiffs' Co-Lead Counsel (via facsimile)

Contact Information:

Elizabeth A. Fegan  
312 261 6191 Direct Dial  
[efegan@wexlerfirm.com](mailto:efegan@wexlerfirm.com)

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3A CHATER ROAD  
HONG KONG

June 3, 2004

**Re: In re Pharmaceutical Industry Average Wholesale Price Litigation**

Elizabeth A. Fegan, Esq.  
The Wexler Firm LLP  
One North LaSalle Street  
Suite 2000  
Chicago, IL 60602

Dear Beth:

I am writing in response to your letter dated June 2, 2004. As you know, AstraZeneca offered to produce two witnesses to plaintiffs on May 13 and 14, 2004, within 45 days of the Amended Notice of Rule 30(b)(6) Deposition as required by CMO 10. Despite the fact that those two dates had been specifically requested by Ken Wexler, he cancelled the deposition due to a scheduling conflict. In an effort to accommodate Ken's schedule, we offered to produce two witnesses exactly one week later on May 20 and 21, 2004. Although you proceeded with the first witness on May 20, 2004, you cancelled the deposition of the second witness on May 21, 2004.

In light of this history, it is disingenuous for you to suggest that AstraZeneca has not complied with CMO 10. Any delay in the completion of AstraZeneca's Rule 30(b)(6) deposition is due entirely to plaintiffs' scheduling changes. Mr. Alverson is AstraZeneca's designee for the remaining areas of inquiry on the Rule 30(b)(6) Notice and he is available for deposition on June 29, 2004 beginning at 9:30 am. This is the earliest date that the deposition can be scheduled. As requested in my last letter, please let us know by Friday if you are available on that date.

Very Truly Yours,

*Kimberley Harris / Lftt*

Kimberley Harris

## **EXHIBIT D**

Jeffrey L. Alverson

Highly Confidential  
Wilmington, DE

June 29, 2004

COPY

1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS

3

In Re: PHARMACEUTICAL : MDL DOCKET NO.  
4 : CIVIL ACTION #  
INDUSTRY AVERAGE WHOLESALE : 01CV12257-PBS  
5 :  
PRICE LITIGATION : HIGHLY CONFIDENTIAL

6

7

-----  
THIS DOCUMENT RELATES TO:

8

ALL ACTIONS

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9

10

VOLUME I

11 30(b)(6) Deposition of AZTRAZENECA, taken  
12 by and through its corporate designee, JEFFREY L.  
13 ALVERSON, taken pursuant to notice at the law offices  
14 of Morris, Nichols, Arsh & Tunnell, 1201 North Market  
15 Street, 17th Floor, Wilmington, Delaware, beginning at  
16 9:31 a.m., on Tuesday, June 29, 2004, before Julie H.  
17 Parrack, Registered Merit Reporter and Notary Public,  
18 there being present:  
19 -----  
20  
21  
22

Jeffrey L. Alverson

Highly Confidential  
Wilmington, DE

June 29, 2004

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1 A. I did things to make myself more aware of areas  
2 of the inquiry that I wasn't -- want to make sure I  
3 had all my facts. Back to 1991, no, sir, I did not.

4 Q. How far back did you go?

5 A. I didn't do anything relative to a time. I did  
6 it relative to an area of knowledge. I don't know if  
7 I'm answering your question correctly. But I didn't  
8 look --

9 Q. How about 1992?

10 A. Once again, my information was relative to  
11 areas of knowledge, not a time frame of that area of  
12 knowledge.

13 Q. What did you do?

14 A. Talked to different individuals in different  
15 areas to make sure that information I had in my head  
16 was correct, or fill in parts that I might be missing  
17 for areas that were not germane to my day-to-day  
18 activity.

19 Q. Who did you talk to?

20 A. Talked to Joe Skupen, who is in our contact  
21 operations department. I talked to Jim Brady, who is  
22 in our managed care finance department. Paul Maillet,

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1 Ted Morse who are in the IS department. Paula Flynn,  
2 who is in the legal department as a paralegal. And  
3 Mark Holder, who is in our operations department.  
4 Those were the individuals that I spent time with.

5 Q. Did you review documents?

6 A. No, sir.

7 Q. How much time did you spend with Joe Skupen?

8 A. Joe and I worked together on a regular basis.  
9 Joe and I spent, for the purposes of this, maybe 10,  
10 15 minutes.

11 Q. What did you discuss?

12 A. ASP.

13 Q. Anything else?

14 A. No.

15 Q. Jim Brady is in what department?

16 A. Managed care finance.

17 Q. How long did you talk to him?

18 A. Again, Jim is an individual that I work with on  
19 a daily basis. I think I was on the phone with Jim  
20 maybe 15 minutes.

21 Q. What did you discuss?

22 A. Finance and the reports relative to finance

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1 department of our company.

2 Q. Did you -- how long has Mr. Brady been with  
3 AstraZeneca or its predecessor?

4 A. I do not know.

5 Q. Did you discuss a time period with respect to  
6 the financial reports?

7 A. No, sir, other than the fact that quarterly or  
8 annual, but not a specific time.

9 Q. Okay. With respect to those reports, were you  
10 talking about them on a current basis?

11 A. Yes, sir.

12 Q. Paul Maillet, what department is he in?

13 A. IS, Information Services.

14 Q. What does that department do?

15 A. Governs everything relative to our computer  
16 systems, our e-mail systems, our document storage  
17 systems. If it has to do with our computer, they do  
18 it.

19 Q. How long did you -- did you speak with him in  
20 person or on the phone?

21 A. On the phone.

22 Q. How long did you speak with him?

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1 A. Maybe 20 minutes. It was Paul and a couple  
2 other individuals that I truly don't remember their  
3 name. A lady named Heather and another individual,  
4 they were all talking to me relative to the computer  
5 databases that we have in this, at AstraZeneca that  
6 stores data. And I talked to all three of those  
7 individuals maybe 20, 25 minutes.

8 Q. All at once?

9 A. Yes, sir.

10 Q. Were they in a conference call?

11 A. Yes, sir.

12 Q. Speakerphone?

13 A. (Nodded affirmatively.)

14 Q. Was the time period you were talking about the  
15 current one?

16 A. Yes, sir.

17 Q. Paula Flynn in legal, she's a paralegal?

18 A. Yes, sir.

19 Q. How long has she been a paralegal, do you know?

20 A. I have no idea. I met her for the first time  
21 yesterday.

22 Q. You met with her face-to-face?

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1 knowledge of the areas of inquiry, irrelevant to time.

2 Q. When did you start at AstraMerck?

3 A. Six and a half years ago.

4 Q. Do you know a precise date?

5 A. October 1st, what, 1999? Is that right, '98?

6 I'm horrible with years. But whatever six and a half  
7 years backwards goes.

8 Q. Okay. Where did you work before then?

9 A. I was with an HMO in Alabama.

10 Q. What HMO?

11 A. Health Partners Southeast.

12 Q. What was your position?

13 A. Vice President of Health Services.

14 Q. What were your duties?

15 A. I was the executive in charge of medical  
16 services, pharmaceutical services, physician  
17 credentialing; tertiary medical services that were  
18 provided, such as lab, others. Basically if it was  
19 relative to the PMPM cost of the HMO, it was under my  
20 purview.

21 Q. What's PMPM cost?

22 A. Per-member-per-month cost.

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1 that answers to Marion. We have a vice president of  
2 government that answers to Marion. And then Jim Brady  
3 as managed care finance is deployed to Marion from  
4 finance and so falls under Marion's purview as well.

5 The only other individual is a lady named  
6 Nancy Wilkinson who is the director of contract  
7 operations and strategy, although that's a misnomer,  
8 in that strategy falls under my department.

9 Q. Director of contract --

10 A. Operations and strategy. That's what her title  
11 is.

12 Q. What's your title?

13 A. Senior Director of Contract Strategy.

14 Q. How long have you had those duties?

15 A. Sir?

16 Q. How long have you had those -- that title?

17 A. Six months.

18 Q. How long have you performed the duties that you  
19 now perform for AstraZeneca or AstraMerck?

20 A. A little over two years.

21 Q. What are those duties?

22 A. My department has -- I have seven people that

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1 Q. Do you recall when those instructions were  
2 given?

3 A. No, I do not.

4 Q. Approximately?

5 A. There have been multiple, so when you say  
6 approximately, over the course of being with  
7 AstraZeneca as a new company, I would say that within  
8 six months of us becoming AstraZeneca, I remember the  
9 first one coming somewhere in that range, and we've  
10 had several since; both government and private  
11 litigation.

12 Q. You listed contracts. Missing from the list of  
13 contracts that you gave was contracts -- let me move  
14 to something else.

15 Who are the seven people who are contract  
16 directors today?

17 A. Paul Villa, V-i-l-l-a, James Thornton,  
18 T-h-o-r-n-t-o-n, Jim Colyer, C-o-l-y-e-r, Steve Pitts,  
19 Kevin Kinsella, K-i-n-s-e-l-l-a, Julie Doll, D-o-l-l,  
20 and Joe deSimone, small d-e capital S-i-m-o-n-e.

21 Q. What was his first name?

22 A. Joe.

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1 Q. How long has Paul Villa been in your  
2 department?

3 A. Two years.

4 Q. With respect to the others you named, have any  
5 been in that department longer than you?

6 A. No.

7 Q. What do you mean by contract strategy?

8 A. It is the -- it is our methodology to get our  
9 products on formulary with the entity that we  
10 contracted with, whether they be a hospital, an HMO, a  
11 PBM, a long-term care.

12 Q. That's AstraZeneca's goal?

13 A. To be on formulary?

14 Q. Yeah.

15 A. Either to be on formulary or to not be  
16 disadvantaged to any of our competitors.

17 Q. What do you mean by not being disadvantaged?

18 A. We could, we could all be not on formulary in a  
19 class. If you take the SSRI class, if we were all not  
20 on formulary, then we're not disadvantaged because  
21 everyone is at the same level. That is our goal at  
22 AstraZeneca.